

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS**

**Call to Order:** Chair Harry Klock, on February 18, 2011 at 3:05 PM, in Room 172  
Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Harry Klock, Chair (R)  
Rep. Robyn Driscoll, Vice Chair (D)  
Rep. Carlie Boland (D)  
Rep. Douglas (Doug) Kary (R)  
Rep. James Knox (R)  
Rep. Austin Knudsen (R)  
Rep. Gary MacLaren (R)  
Rep. Mary McNally (D)  
Rep. Mike Menahan (D)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Mike Phillips (D)  
Rep. Derek Skees (R)  
Rep. Sterling Small (R)  
Rep. Wayne Stahl (R)

**Members Excused:** None

**Members Absent:** Rep. Keith Regier, Vice Chair (R)

**Staff Present:** Todd Everts, Legislative Branch  
Cara Gold, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 571, 2/16/2011; HB 581, 2/16/2011; HB 550, 2/15/2011; HB 593, 2/16/2011

Executive Action: HB 392; HB 466; HB 503; HB 504; HB 506; HB 571; HB 581; HB 593; HB 550; HJ 12

00:00:03 The Chair welcomed the committee and reviewed the committee rules.  
00:01:09 Rep. Regier entered the hearing.

**HEARING ON HB 593**

**Opening Statement by Sponsor:**

00:01:20 Rep. Duane Ankney (R), HD 43, opened the hearing on HB 593, Revising clean air act mercury rules.

**Proponents' Testimony:**

00:04:30 Dan Flynn, International Brotherhood of Electrical Workers, (IBEW) Local 44  
00:05:16 Chris Cavazos, Montana State AFL-CIO  
00:05:52 Keith Allen, IBEW Local 233  
00:06:07 J.D. Lynch, Montana Building and Construction Trades  
00:06:20 John Roeber, The International Brotherhood of Boilermakers Union, Local 11  
[EXHIBIT\(feh40a01\)](#)  
00:07:07 Josh Shomate, The International Brotherhood of Boilermakers Union, Local 11

**Opponents' Testimony:**

00:07:36 Richard Opper, Montana Department of Environmental Quality (DEQ)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:09:27 Rep. Phillips  
00:09:39 Richard Opper  
00:10:17 Rep. Phillips  
00:10:19 Richard Opper  
00:10:20 Rep. Phillips  
00:10:39 Rep. Ankney  
00:10:43 Rep. Phillips  
00:10:49 Rep. Ankney  
00:11:15 Rep. Phillips  
00:11:24 Rep. Ankney  
00:11:30 Rep. Peterson  
00:11:47 Richard Opper  
00:12:03 Rep. Peterson  
00:12:18 Richard Opper  
00:12:46 Rep. Menahan  
00:13:08 Richard Opper  
00:13:33 David Klemp, DEQ  
00:14:17 Rep. Menahan  
00:14:45 David Klemp  
00:15:43 Rep. Menahan  
00:16:32 David Klemp  
00:17:20 Rep. Knox

00:17:39 David Klemp  
00:18:08 Rep. Knox  
00:18:19 David Klemp

**Closing by Sponsor:**

00:19:06 Rep. Ankney

**HEARING ON HB 581**

**Opening Statement by Sponsor:**

00:22:12 Rep. Mary McNally (D), HD 49, opened the hearing on HB 581, Revise net metering provisions.

00:22:58 Rep. Phillips left the hearing.

00:25:02 Rep. Phillips returned to the hearing.

**Proponents' Testimony:**

00:25:23 Conor Darby, Independent Power Systems and Montana Renewable Energy Association (MREA)

[EXHIBIT](#)(feh40a02)

00:26:18 Rep. Stahl left the hearing.

00:27:04 Rep. Skees left the hearing.

00:28:54 Diana Maneta, MREA

[EXHIBIT](#)(feh40a03)

00:30:58 Rep. Stahl returned to the hearing.

**Opponents' Testimony:**

00:32:49 John Fitzpatrick, NorthWestern Energy (NWE)

00:33:11 Rep. Stahl left the hearing.

00:33:23 Rep. Peterson left the hearing.

00:37:59 Rep. Stahl returned to the hearing.

00:38:19 Rep. Skees returned to the hearing.

00:38:45 Rep. Peterson returned to the hearing.

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:39:02 Rep. Peterson

00:40:03 Conor Darby

**Closing by Sponsor:**

00:40:36 Rep. McNally

**EXECUTIVE ACTION ON HB 392**

00:52:24 Rep. Klock

00:52:59 Rep. O'Hara and Rep. Knox were absent.

00:53:09 **Motion:** Rep. Regier moved that **HB 392 DO PASS**.

00:53:21 **Substitute Motion/Vote:** Rep. Driscoll made a substitute motion that **HB 392 BE TABLED**. Substitute Motion carried 10-4 by roll call vote with Rep. Kary, Rep. Regier, Rep. Skees and Rep. Stahl voting no. Rep. O'Hara and Rep. Knox were not present and did not vote.

**EXECUTIVE ACTION ON HB 466**

00:54:54 **Motion:** Rep. Regier moved that **HB 466 DO PASS**.

00:55:13 Rep. Knox returned to the hearing.

00:55:14 **Motion/Vote:** Rep. Menahan moved that **HB 466 BE AMENDED**. Motion carried 15-0 by voice vote. Rep. O'Hara was not present and did not vote.

**EXHIBIT**(feh40a04)

00:57:00 **Motion:** Rep. Regier moved that **HB 466 DO PASS AS AMENDED**.

**Discussion:**

00:57:12 Rep. Peterson

00:57:20 Rep. O'Hara returned to the hearing.

00:58:33 Rep. Skees

00:59:26 Rep. Stahl

00:59:57 Rep. O'Hara

01:00:18 Rep. Knudsen

01:01:06 **Vote:** Motion failed 7-9 by roll call vote with Rep. Boland, Rep. Driscoll, Rep. MacLaren, Rep. Menahan, Rep. Phillips, Rep. Regier and Rep. Skees voting aye.

01:02:06      **Motion:** Without objection Rep. K. Peterson moved that **HB 466 BE TABLED AND THE VOTE REVERSED.**

**HEARING ON HB 550**

**Opening Statement by Sponsor:**

01:02:53      Rep. Joe Read (R), HD 15, opened the hearing on HB 550, Establish state authority over EPA on regulation of greenhouse gases.

[EXHIBIT\(feh40a05\)](#)

**Proponents' Testimony:**

01:07:58      Dr. Ed Barry, Climate Physics

[EXHIBIT\(feh40a06\)](#)

[EXHIBIT\(feh40a07\)](#)

01:14:09      Rep. Stahl and Rep. Regier left the hearing.

01:15:14      Tim Ravndal, Lewis and Clark Conservative Tea Party Group (LCCTP)

01:15:42      Dave Skinner, Montana for Multiple Use

01:16:21      Fred Hodgeboom, Montana for Multiple Use

01:17:43      Clarice Ryan, Montana for Multiple Use

01:18:54      Rep. O'Hara left the hearing.

**Opponents' Testimony:**

01:19:49      Anne Hedges, Montana Environmental Information Center (MEIC)

01:25:19      Ross Proserpi, Montana Conservation Voters

01:28:44      Janet Ellis, Montana Audubon

01:29:53      Shelbi Dantic, Montana Public Interest Research Group

**Informational Testimony:**

01:30:18      David Klemp, DEQ

**Questions from Committee Members and Responses:**

01:31:52      Rep. Knox

01:32:04      Rep. O'Hara returned to the hearing.

01:32:31      Anne Hedges, MEIC

01:32:45      Rep. Knox

01:32:52      Rep. Knudsen left the hearing.

01:33:19      Rep. Read

01:33:28      Rep. Knox

01:33:39 Rep. Skees  
01:34:05 Anne Hedges  
01:34:12 Rep. Skees  
01:34:17 Anne Hedges  
01:34:29 Rep. Skees  
01:34:33 Anne Hedges  
  
01:34:43 Rep. Menahan left the hearing.  
  
01:35:07 Rep. Stahl returned to the hearing.  
  
01:35:38 Rep. Skees  
01:35:45 Anne Hedges  
01:35:57 Rep. Phillips  
01:36:28 Rep. Read  
01:36:31 Rep. Phillips  
01:37:28 Rep. Read  
01:37:30 Rep. Skees  
01:37:37 Rep. Read  
01:39:21 Rep. Phillips  
  
01:39:27 Rep. Knox left the hearing.  
Rep. Menahan returned to the hearing.  
  
01:39:57 Rep. Read  
01:40:10 Rep. Phillips  
01:40:50 Dr. Ed Barry  
  
01:41:26 Rep. McNally left the hearing.  
  
01:41:38 Rep. Phillips  
01:42:27 Dr. Ed Barry  
  
01:43:02 Rep. Knudsen returned to the hearing.

**Closing by Sponsor:**

01:44:08 Rep. Read  
[EXHIBIT\(feh40a08\)](#)

**HEARING ON HB 571**

**Opening Statement by Sponsor:**

01:46:24 Rep. Mike Cuffe (R), HD 2, opened the hearing on HB 571, Transfer alternative energy revolving loan account to DNRC.  
  
01:46:38 Rep. Small left the hearing.

**Proponents' Testimony:**

01:47:24 Dave Skinner, Self

01:48:09 Rep. Phillips left the hearing.

**Opponents' Testimony:** None

**Informational Testimony:**

01:48:30 Brian Spangler, DEQ

01:48:44 Rep. McNally returned to the hearing.

01:50:22 Without objection the committee deemed the witness as an opponent.

**Questions from Committee Members and Responses:**

**Closing by Sponsor:**

01:50:40 Rep. Cuffe

**EXECUTIVE ACTION ON HB 571**

01:51:35 **Motion/Vote:** Rep. O'Hara moved that **HB 571 BE TABLED**. Motion carried 14-0 by voice vote. Rep. Regier and Rep. Small were not present and did not vote.

02:02:35 Rep. Klock

**EXECUTIVE ACTION ON HB 503**

02:03:09 **Motion:** Rep. Menahan moved that **HB 503 DO PASS**.

**Substitute Motion:** Rep. Menahan made a substitute motion that **HB 503 BE AMENDED**.

**EXHIBIT**(feh40a09)

**Discussion:**

02:06:51 Rep. Driscoll

02:07:41 Gary Wiens, Montana Electric Cooperatives' Association (MECA)

02:07:45 Rep. Regier and Rep. Small returned to the hearing.

02:07:46 **Vote:** Motion carried 15-1 by voice vote with Rep. Skees voting no.

02:08:09 **Motion:** Rep. Stahl moved that **HB 503 DO PASS AS AMENDED**.

**Discussion:**

02:08:16 Rep. Skees  
02:09:11 Rep. Peterson

02:09:51 **Motion/Vote:** Rep. Driscoll moved that **HB 503 BE AMENDED**. Motion carried 15-1 by voice vote with Rep. Skees voting no.

**EXHIBIT**(feh40a10)

02:10:47 **Motion:** Rep. Stahl moved that **HB 503 BE AMENDED**.

**EXHIBIT**(feh40a11)

**Discussion:**

02:12:28 Rep. Driscoll  
02:12:53 John Fitzpatrick, NWE  
02:13:18 Rep. Driscoll  
02:13:25 John Fitzpatrick  
02:14:33 Todd Everts, Legislative Services Division (LSD)  
02:14:53 Rep. Phillips

02:15:07 **Vote:** Motion carried unanimously by voice vote.

02:15:28 **Motion:** Rep. Stahl moved that **HB 503 DO PASS AS AMENDED**.

**Discussion:**

02:15:40 Rep. Regier  
02:15:52 **Vote:** Motion failed 2-14 by roll call vote with Rep. Menahan and Rep. Phillips voting aye.

02:16:49 **Motion:** Without objection Rep. Regier moved that **HB 503 BE TABLED AND THE VOTE REVERSED**.

**EXECUTIVE ACTION ON HB 504**

02:17:30 **Motion:** Rep. Regier moved that **HB 504 DO PASS**.

02:18:23 **Motion:** Rep. K. Peterson moved that **HB 504 BE AMENDED**.

**EXHIBIT**(feh40a12)

**Discussion:**

02:21:45 Rep. Menahan  
02:22:36 Rep. Peterson

02:22:40 **Vote:** Motion carried unanimously by voice vote.

02:23:32 **Motion:** Rep. Regier moved that **HB 504 DO PASS AS AMENDED**.



**Discussion:**

02:23:44 Rep. Phillips  
02:24:32 Rep. O'Hara  
02:24:51 Rep. Peterson  
02:25:06 Rep. McNally  
02:25:37 Rep. Skees  
02:26:13 Rep. Peterson  
02:26:28 Rep. Knox

02:27:04 **Vote:** Motion failed 2-14 by roll call vote with Rep. Peterson and Rep. Skees voting aye.

02:27:59 **Motion:** Without objection Rep. Regier moved that **HB 506 BE TABLED AND THE VOTE REVERSED.**

**EXECUTIVE ACTION ON HB 506**

02:28:23 **Motion:** Rep. Skees moved that **HB 506 DO PASS.**

**Discussion:**

02:28:40 Rep. Skees  
02:29:31 Rep. Phillips  
02:30:46 Rep. Phillips

02:32:32 **Vote:** Motion failed 7-9 by roll call vote with Rep. Kary, Rep. Knox, Rep. Knudsen, Rep. Peterson, Rep. Regier, Rep. Skees and Rep. Stahl voting aye.

02:33:24 **Motion/Vote:** Rep. Regier moved that **HB 506 BE TABLED AND THE VOTE REVERSED.** Motion carried 14-2 by voice vote with Rep. Skees and Rep. Stahl voting no.

**EXECUTIVE ACTION ON HJ 12**

02:34:26 **Motion:** Rep. Regier moved that **HJ 12 DO PASS.**

02:34:28 **Substitute Motion/Vote:** Rep. Knox moved that **HJ 12 BE TABLED.** Motion carried 10-6 by roll call vote with Rep. Boland, Rep. Driscoll, Rep. McNally, Rep. Menahan, Rep. Phillips and Rep. Skees voting no.

**EXECUTIVE ACTION ON HB 593**

02:36:14 **Motion:** Rep. Stahl moved that **HB 593 DO PASS.**

**Discussion:**

02:36:42 Rep. Phillips

02:37:00 **Vote:** Motion carried 13-3 by roll call vote with Rep. McNally, Rep. Menahan and Rep. Phillips voting no.

**EXECUTIVE ACTION ON HB 581**

02:39:31 **Motion/Vote:** Rep. McNally moved that **HB 581 DO PASS.** Motion failed 5-11 by roll call vote with Rep. Boland, Rep. Driscoll, Rep. McNally, Rep. Menahan and Rep. Phillips voting aye.

02:40:34 **Motion/Vote:** Rep. Regier moved that **HB 581 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 550**

02:41:05 **Motion:** Rep. Regier moved that **HB 550 DO PASS.**

**Discussion:**

02:41:15 Rep. Phillips

02:42:38 Rep. Peterson

02:43:17 **Vote:** Motion carried 11-5 by roll call vote with Rep. Boland, Rep. Driscoll, Rep. McNally, Rep. Menahan and Rep. Phillips voting no.

**EXECUTIVE ACTION ON HB 466**

02:44:15 **Motion:** Rep. Knudsen moved that **HB 466 BE REMOVED FROM TABLE.**

**Discussion:**

02:45:07 Rep. Stahl

02:45:23 Rep. Kary

02:45:31 Rep. Stahl

02:46:24 Rep. Menahan

02:46:50 Rep. Stahl

02:48:22 Rep. Peterson

02:50:20 **Vote:** Motion failed 7-9 by roll call vote with Rep. Kary, Rep. Klock, Rep. Knox, Rep. Knudsen, Rep. MacLaren, Rep. Regier and Rep. Skees voting aye.

**EXECUTIVE ACTION ON HB 392**

02:50:24      **Motion:** Rep. Knox moved that **HB 392 BE REMOVED FROM TABLE.**

**Discussion:**

02:50:37      Rep. Phillips

02:50:51      Todd Everts, LSD

02:51:12      Rep. Phillips

02:51:54      Todd Everts

02:52:24      Rep. Menahan

02:52:50      Rep. Knox

02:54:13      **Vote:** Motion failed 7-9 by roll call vote with Rep. Kary, Rep. Knox, Rep. O'Hara, Rep. Peterson, Rep. Regier, Rep. Skees and Rep. Stahl voting aye.

02:55:04      Rep. Peterson

The committee report for HB 291 had not been signed and remained in committee until February 18th, 2011 when the Chairman signed it out of committee.

**ADJOURNMENT**

02:56:09      Adjournment

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Cara Gold, Secretary

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**Additional Documents:**

**[EXHIBIT](#)**(feh40a13)

Additional Documents:

**EXHIBIT**([feh40aad.pdf](#))